

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A JUDGE  
NO. 06-52, CHERYL J. ALEMÁN

---

SC07-198

REPLY TO RESPONSE AND OBJECTION TO MOTION  
TO TAX COSTS

Comes now the Florida Judicial Qualifications Commission, and in Reply to the Respondent's Response and Objection to Motion to Tax Costs, would state as follows:

1. The Hearing Panel's Findings, Conclusions and Recommendations, and, its approval by the Florida Supreme Court, establishes that the Commission was the prevailing party.

2. The costs of the investigation and prosecution relating to *State v. Braynen* as set forth in the appendix to the Motion to Tax Costs were prepared in conformity with Rule 2.310, Florida Rules of Judicial Administration, the Statewide Uniform Guidelines for Taxation of Costs in Civil Cases, and the respective decisional law. It is conceded, however, that \$155.00 in deposition costs associated with Mr. Gottlieb should be deducted from the original amount suggested.

3. The Respondent does not cite, nor is there any authority for, the apportionment of costs as suggested.

4. The parsing of costs suggested by the Respondent goes well beyond that which is contemplated by the law.

Therefore based upon the foregoing, the Commission requests that the costs be taxed as requested.

Respectfully submitted,

---

Michael L. Schneider  
General Counsel  
Judicial Qualifications Commission  
Florida Bar No. 525049  
1110 Thomasville Road  
Tallahassee, FL 32303-6224  
(850) 488-1581

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail to J. David Bogenschutz, Esq., Attorney for Honorable Cheryl J. Alemán, Bogenschutz, Dutko & Kroll, P.A., 600 S. Andrews Avenue, Suite 500, Ft. Lauderdale, FL 33301-2847 this \_\_\_\_ day of April, 2009.

---

Michael L. Schneider